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BEFORE THE ARIZONA CORPORATION COMMISSION

WILLIAM A. MUNDELL
CHAIRMAN

JIM IRVIN
COMMISSIONER

MARC SPITZER
COMMISSIONER

IN THE MATTER OF THE APPLICATION OF
EARLAND E. CASS FOR A CERTIFICATE OF
CONVENIENCE AND NECESSITY TO PROVIDE
CUSTOMER-OWNED PAY TELEPHONE
SERVICE IN THE STATE OF ARIZONA

DOCKET NO. T-03961A-00-0933

DECISION NO. *63675*
Arizona Corporation Commission

ORDER

DOCKETED

Open Meeting
May 21 and 22, 2001
Phoenix, Arizona

MAY 24 2001

DOCKETED BY

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BY THE COMMISSION:

Having considered the entire record herein and being fully advised in the premises, the Commission finds, concludes, and orders that:

FINDINGS OF FACT

1. On November 15, 2000, Earland E. Cass ("Applicant") filed with the Commission an application for a Certificate of Convenience and Necessity ("Certificate") to provide customer-owned pay telephone ("COPT") service in the State of Arizona.

2. In Decision No. 55817 (December 10, 1987), the Commission found that COPT providers were public service corporations subject to the jurisdiction of the Commission.

3. In Decision No. 57797 (April 8, 1992), the Commission adopted A.A.C. R14-2-901 through R14-2-909 to regulate COPT providers.

4. Decision No. 58535 (February 14, 1994) adopted a Generic Tariff that establishes rates and minimum service standards applicable to COPT service.

5. Pursuant to A.R.S. § 40-282, the Commission may issue Decisions regarding COPT Certificates without a hearing.

6. Applicant has requested that a Certificate be granted and has indicated that it will provide COPT service pursuant to the rates, terms and conditions specified in the Generic COPT Tariff.

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2 7. Applicant does not presently provide COPT services in Arizona.

3 8. On November 21, 2000, the Commission's Utilities Division Staff ("Staff") filed a
4 Staff Report, recommending approval of the application without a hearing.

5 9. Staff stated that the Applicant has not provided a copy of its customer information
6 placard in compliance with the Generic Tariff and recommends that the Applicant be ordered to file
7 its customer information placard with Staff for approval within 30 days.

8 10. Staff also stated that increased pay telephone availability is in the public interest.

9 **CONCLUSIONS OF LAW**

10 1. Applicant is a public service corporation within the meaning of Article XV of the
11 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

12 2. The Commission has jurisdiction over Applicant and the subject matter of the
13 application.

14 3. The provision of COPT service in Arizona by Applicant is in the public interest.

15 4. Applicant is a fit and proper entity to receive a Certificate for providing COPT service
16 in Arizona.

17 5. Staff's recommendations in Findings of Fact No. 8 and 9 are reasonable and should be
18 adopted.

19 **ORDER**

20 IT IS THEREFORE ORDERED that the Application of Earland E. Cass for a Certificate of
21 Convenience and Necessity for authority to provide customer-owned pay telephone service in
22 Arizona shall be, and the same is, hereby granted, conditioned upon Earland E. Cass filing a customer
23 information placard approved by the Director of the Utilities Division for compliance with the
24 requirements of the Generic COPT Tariff within 30 days of the effective date of this Decision.

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2 IT IS FURTHER ORDERED that the Application of Earland E. Cass for a Certificate of

3 Convenience and Necessity for authority to provide customer-owned pay telephone service in

4 Arizona shall be granted subject to the condition that Earland E. Cass shall file the following FVRB

5 information within 18 months of the date that it first provides service. The FVRB shall include a

6 dollar amount representing the total revenue for the first twelve months of telecommunications

7 service provided to Arizona customers by Earland E. Cass following certification. Earland E. Cass

8 shall also file FVRB information detailing the total actual operating expenses for the first twelve

9 months of telecommunications service provided to Arizona customers by Earland E. Cass following

10 certification. Earland E. Cass shall also file FVRB information which includes a description and

11 value of all assets, including plant, equipment, and office supplies, used to provide

12 telecommunications service to Arizona customers for the first twelve months following Earland E.

13 Cass's certification.

14 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

15 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

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18 CHAIRMAN COMMISSIONER COMMISSIONER

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21 IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive

22 Secretary of the Arizona Corporation Commission, have

23 hereunto set my hand and caused the official seal of the

24 Commission to be affixed at the Capitol, in the City of Phoenix,

25 this 24th day of May, 2001.

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27 BRIAN C. McNEIL

28 EXECUTIVE SECRETARY

29 DISSENT _____

30 SG:mlj

SERVICE LIST FOR:

EARLAND E. CASS

DOCKET NO.:

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